



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

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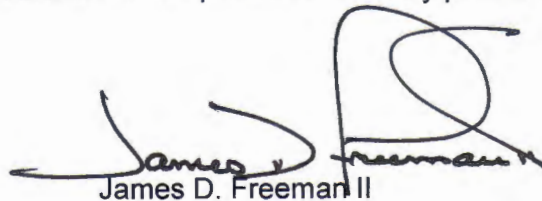
MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Board of Regents, Uniformed Services University of the Health Sciences*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Board of Regents, Uniformed Services University of the Health Sciences* (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Board's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-692-5949.



James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter
Proposed Membership Balance Plan

Charter
Board of Regents, Uniformed Services University of the Health Sciences

1. Committee's Official Designation: The committee shall be known as the Board of Regents, Uniformed Services University of the Health Sciences ("the Board").
2. Authority: The Secretary of Defense, under the provisions of 10 U.S.C. § 2113a, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 CFR § 102-3.50(a) (required by statute), established the Board.
3. Objectives and Scope of Activities: The Board shall assist the Secretary of Defense in an advisory capacity in carrying out the Secretary's responsibility to conduct the business of the Uniformed Services University of the Health Sciences ("the University"), as set out in paragraph 4 below.
4. Description of Duties: The Board shall provide advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the University.
5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). The USD(P&R) may act upon the Board's advice and recommendations.
6. Support: The Department of Defense (DoD), through the University, shall provide support, as deemed necessary, for the Board's performance, and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$318,000.00. The estimated annual personnel costs to the DoD are 1.8 full-time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures.

In addition, the Board's DFO is required to be in attendance at all meetings of the Board and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to DoD policies and procedures, shall attend the entire duration of meetings of the Board or subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Board and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting, when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing

regulations or DoD policies and procedures; and chair meetings when directed to do so by the USD(P&R).

9. Estimated Number and Frequency of Meetings: The Board shall meet at the call of the Board's DFO, in consultation with the Board's Chairperson. The estimated number of meetings by the Board is four per year.
10. Duration: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
11. Termination: The Board shall terminate upon repeal of 10 U.S.C. § 2113a.
12. Membership and Designation: The Board, pursuant to 10 U.S.C. § 2113a, shall be composed of no more than 15 members, appointed as specified below:
 - a. Nine persons outstanding in the field of health care, higher education administration, or public policy shall be appointed from civilian life by the Secretary of Defense;
 - b. The Secretary of Defense, or his designee, who shall be an *ex officio* member;
 - c. The surgeons general of the Uniformed Services, who shall be *ex officio* members; and
 - d. The president of the University, who shall be a non-voting *ex officio* member.

The terms of office for each member of the Board (other than *ex officio* members), shall be six years except that:

- a. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and
- b. Any member whose term of office has expired shall continue to serve until his successor is appointed.

One of the appointed members of the Board shall be designated as Chairman by the Secretary of Defense and shall be presiding officer of the Board. The Chairman shall serve a term of service of six years.

Board members that are not *ex officio* members shall be appointed by the Secretary of Defense and their appointments will be renewed on an annual basis according to DoD policies and procedures. Members of the Board who are not full-time or permanent part-time Federal employees shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special Government employee (SGE) members. Pursuant to 10 U.S.C. § 2113a(c) and (e), these SGEs shall serve a term of service of six years and shall be entitled to receive compensation at a rate (\$587.00 per day) fixed by the Secretary of Defense, in addition to travel expenses and per diem while serving away from their place of

residence.

Each member of the Board is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: The Department, when necessary and consistent with the Board's mission and DoD policies and procedures may establish subcommittees, task groups, and working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R).

Such subcommittees shall not work independently of the Board, and shall report all their recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board; nor can any subcommittee or its members update or report directly to DoD or any Federal officers or employees.

The Secretary of Defense shall appoint subcommittee members even if the member in question is already a Board member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one-to-four years; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as SGE, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official travel related travel to the Board or its subcommittees, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies and procedures.

14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date:

Membership Balance Plan
Board of Regents, Uniformed Services University of the Health Sciences

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 2113a, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a) (required by statute), established the Board of Regents, Uniformed Services University of the Health Sciences ("the Board").
2. Mission/Function: The Board, pursuant to 10 U.S.C. § 2113a, shall assist the Secretary of Defense in an advisory capacity in carrying out the Secretary's responsibility to conduct the business of the Uniformed Services University of the Health Sciences ("the University"), and provide advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the University.
3. Points of View: The Board, pursuant to 10 U.S.C. § 2113a, shall be composed of no more than 15 members, appointed as specified below:
 - a. Nine persons outstanding in the field of health care, higher education administration, or public policy shall be appointed from civilian life by the Secretary of Defense;
 - b. The Secretary of Defense, or his designee, who shall be an *ex officio* member;
 - c. The surgeons general of the Uniformed Services, who shall be *ex officio* members; and
 - d. The president of the University, who shall be a non-voting *ex officio* member.

The terms of office for each member of the Board (other than *ex officio* members), shall be six-years except that:

- a. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and
- b. Any member whose term of office has expired shall continue to serve until his successor is appointed.

One of the appointed members of the Board shall be designated as Chairman by the Secretary of Defense and shall be presiding officer of the Board. The Chairman shall serve a term of service of six years.

Board members that are not *ex officio* members shall be appointed by the Secretary of Defense and their appointments will be renewed on an annual basis according to DoD policies and procedures. Members of the Board who are not full-time or permanent part-time Federal employees shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special Government employee (SGE) members. Pursuant to 10 U.S.C. § 2113a(c) and (e), these SGEs shall serve a term of service of six-years and shall be entitled to receive compensation at a rate (\$587.00 per day) fixed by the Secretary of Defense, in addition to travel expenses and per diem while serving away from their place of

Membership Balance Plan
Board of Regents, Uniformed Services University of the Health Sciences

residence.

DoD has found that viewing complex issues through a multi-discipline advisory committee provides DoD and, more importantly, the American public with a broader understanding on which to base subsequent policy decisions.

DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters handled by the Board.

DoD, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: The Board's composition provides a broad mix of military and civilian perspectives as well as clinical and academic experience. Appointed members have been carefully selected to ensure a balanced and well qualified membership. Additionally, the Board's Chairman is authorized, in consultation with the Board's Designated Federal Officer (DFO) and the University, when conducting the Board's business to invite other DoD and health officials to present points of view or to engage in discussions with the Board members about substantive matters under consideration by the Board. These individuals, when the Board begins its final deliberations to determine recommendations to the Secretary of Defense, are prohibited from engaging or participating in the Board's considerations.
5. Candidate Identification Process: DoD, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals with extensive professional experience in the areas of health care, higher education administration, or public policy. Potential candidates are identified by the DFO in consultation with the Office of the Assistant Secretary of Defense for Health Affairs ASD(HA), and their professional staffs, as well as through recommendations by current members of the Board.

Once potential candidates are identified, the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) reviews the credentials of each individual and narrows the list of potential candidates. During the USD(P&R) review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters that will be reviewed by the Board to achieve expertise in points of view regarding anticipated topics.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the Department of Defense Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the advisory committee's charter and membership balance plan. Following this review, the USD(P&R) formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees.

Membership Balance Plan
Board of Regents, Uniformed Services University of the Health Sciences

Following approval by the Secretary or Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

The Secretary of Defense may approve the appointment of SGE members to the Board, for a six-year term of service with annual renewals.

Membership vacancies for the Board will be filled in the same manner as described in the previous five paragraphs above.

6. Subcommittee Balance: The Department, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Board.

The Secretary or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as members of the Board. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or new nominees, as recommended by the Board's sponsor and based upon the subject matter under consideration, but they must be approved by the Secretary or Deputy Secretary before participating in any subcommittee work.

Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one-to-four years; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as SGE members, whose appointments must be renewed by the Secretary of Defense on an annual basis.

7. Other: The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
8. Date Prepared: